

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO.1040 OF 2006

...

Mr.Gangadhar Narayan Pillai ...Petitioner

v/s.

Palghar Taluka Industrial

co.operative Estate Ltd. ...Respondent

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Mr.J.a.Udaipuri i/b Udaipuri & Co. for the
Petitioner.

Mr.M.R.Phal for Respondent.

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CORAM: D.K.DESHMUKH, J.

DATED: 4TH JULY, 2007

P.C.:

1. By the order impugned in the petition, the

Petitioner has been directed by the trial court to produce sanctioned building plan pursuant to which he is raising construction. The subject matter of the suit is construction of the building that the Defendant is raising on the land.

2. In my opinion, the order cannot be faulted. If the subject matter of the suit is the construction that the Defendant is raising and if it is an admitted position that because the land is within the limits of Municipal Council, construction of the building cannot be carried out without obtaining sanctioned building plan, in my opinion, there should be no hesitation on the part of the Defendant in producing the sanctioned building plan on the record of the court. Petition is disposed of. Interim order is vacated. Trial court to proceed with the trial.

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